

months' imprisonment, based on a total offense level of 27 and a criminal history category of V. See Resentencing Report [D.E. 60-6]. Lewis requests an 88-month sentence. See [D.E. 60, 66].

The court has discretion to reduce Lewis's sentence. See, e.g., Dillon v. United States, 560 U.S. 817, 827 (2010); United States v. Cole, 618 F. App'x 178, 178–79 (4th Cir. 2015) (per curiam) (unpublished); United States v. Thomas, 546 F. App'x 225, 225–26 (4th Cir. 2013) (per curiam) (unpublished); United States v. Perez, 536 F. App'x 321, 321 (4th Cir. 2013) (per curiam) (unpublished); United States v. Smalls, 720 F.3d 193, 195–97 (4th Cir. 2013); United States v. Mann, 709 F.3d 301, 306–07 (4th Cir. 2013); United States v. Stewart, 595 F.3d 197, 200 (4th Cir. 2010). In deciding whether to reduce Lewis's sentence, the court finds that Lewis engaged in serious criminal behavior from approximately October 2010 until approximately October 2011. See PSR [D.E. 46] ¶¶ 8–12. Lewis was accountable for conspiring to distribute 452 grams of crack cocaine in October 2011. See id. ¶ 12. Furthermore, Lewis has a distressing criminal history. Lewis's criminal history includes convictions for assault by pointing a gun, second degree trespass, communicating threats, discharging a weapon into occupied property, and assault with a deadly weapon. See id. ¶¶ 16–20. Lewis also has performed poorly on supervision and has a spotty work history. See [D.E. 46-1]; PSR ¶¶ 36–41. Nonetheless, Lewis has engaged in some positive behavior while incarcerated on his federal sentence. See [D.E. 60-6] 1–2; [D.E. 66] 1–3.

Having reviewed the entire record and all relevant policy statements, the court finds that Lewis received the sentence that was “sufficient, but not greater than necessary” under 18 U.S.C. § 3553(a) and finds that further reducing Lewis's sentence would threaten public safety in light of his serious criminal conduct and serious criminal history. Cf. U.S.S.G. § 1B1.10, cmt. n.1(B)(ii). Lewis's serious criminal conduct and serious criminal history do not support further reducing Lewis's sentence. Thus, the court denies Lewis's motions for reduction of sentence. See, e.g., Cole,

618 F. App'x at 178–79; Thomas, 546 F. App'x at 225–26; Perez, 536 F. App'x at 321.

In sum, the court DENIES Lewis's motions for reduction of sentence [D.E. 58, 66].

SO ORDERED. This 12 day of October 2016.



JAMES C. DEVER III
Chief United States District Judge